

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG/PG)

**JOINT MOTION IN COMPLIANCE WITH ORDER TO SHOW CAUSE AS TO
WHY MONITORING REPORTS SHOULD NOT BE UNRESTRICTED
FOR PUBLIC VIEWING**

COME NOW, Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico, et al., (collectively, the Parties), and submit jointly that the Monitor's Eighth Six-Month Report (Doc. 1017) and Transfer Assessment (Doc. 1013¹) should be unrestricted for public viewing in their original form without redactions. For cause, the Parties state and allege as follows:

1. On November 26, 2018, the Monitor filed his Eighth Six-Month Report on the Commonwealth's compliance with the Agreement for the Sustainable Reform of the Puerto Rico Police (Agreement, Doc. 60) and the Commonwealth's Action Plans (Doc. 550-1) covering the period from April 1 to October 7, 2018. Doc. 1017. On the same date, November 26, the

¹ The Monitor's Transfer Assessment was misidentified in the Order to Show Cause as Docket 1015. *See* Order, Doc. 1026 (Nov. 28, 2018). The Monitor filed his Transfer Assessment at Docket 1013. The document filed by the Monitor at Docket 1015 is a List of Identifiers, which provides the names of individuals interviewed by the Monitor's Office as part of the Transfer Assessment. The Court granted the Monitor's motion seeking leave to file the List of Identifiers in restricted mode for viewing only by the Court. Order, Doc. 1019 (Nov. 27, 2018). The Parties agree that the List of Identifiers at Docket 1015 should remain in restricted mode because public disclosure would raise privacy concerns and reveal confidential information contained in personnel files and administrative investigations.

Monitor filed the Transfer Assessment evaluating certain transfers of sworn personnel of the Puerto Rico Police Bureau (PRPB). Doc. 1013. The Court granted the Monitor's motions to restrict both reports for viewing only by the Court and the Parties. Orders, Doc. 1018, 1020 (Nov. 27, 2018).

2. On November 28, 2018, the Court issued an Order to show cause "as to whether the Monitor's final Eighth Six-Month Report for the capacity building period (Docket No. 1017) and transfers report (Docket No. 1015²) should not be unrestricted, and hence, made public." The Court instructed the Parties to respond jointly by noon on November 30, 2018.

3. The Agreement requires that the Technical Compliance Advisor (or Monitor, as referenced herein) file written, public reports assessing the Commonwealth's compliance with the Agreement during the four-year period following the Monitor's appointment. Agreement ¶ 250, Doc. 60. The Agreement also requires that the Monitor redact his public reports, as necessary, for privacy concerns and file unredacted versions with the Court in restricted mode. *Id.* at ¶ 250(c).

4. After reviewing the final Eighth Six-Month Report and Transfer Assessment and after consulting with the Monitor, the Parties have determined that the reports do not contain personally-identifying information that should be redacted for privacy concerns or other information that is law enforcement sensitive. Accordingly, the Parties agree that these two reports at Dockets 1013 and 1017 should be unrestricted for public viewing in their entirety without redactions. The Parties reserve the right to file responses to the reports within 30 days of their original filing date under Paragraph 252 of the Agreement.

² The docket number for the Transfer Assessment is Docket 1013, not Docket 1015.

WHEREFORE, in compliance with the Order to Show Cause, the Parties submit jointly that the Court should remove the restriction on the Monitor's Eighth Six-Month Report (Doc. 1017) and Transfer Assessment (Doc. 1013) to permit public viewing of the reports in their entirety.

Respectfully submitted, this 30th day of November, 2018,

For Plaintiff UNITED STATES OF AMERICA:

STEVEN H. ROSENBAUM
Chief, Special Litigation Section

s/ Luis E. Saucedo
TIMOTHY D. MYGATT
Deputy Chief
LUIS E. SAUCEDO (G01613)
Counselor to the Chief
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Tel: (202) 598-0482
Fax: (202) 514-4883
luis.e.saucedo@usdoj.gov

Attorneys for Plaintiff

For Defendants COMMONWEALTH OF PUERTO RICO, ET AL.:

WANDA VAZQUEZ GARCED
Secretary of Justice

WANDYMAR BURGOS VARGAS
Deputy in Charge of General Litigation

SUSANA PEÑAGARICANO BROWN
Director Federal Litigation and Bankruptcy

s/ Valerie Concepción Cintrón
VALERIE CONCEPCIÓN CINTRÓN
U.S.D.C. NO. 303002
Federal Litigation Division
Puerto Rico Department of Justice
P.O. Box 9020192
San Juan, P.R., 00902-0192
Tel. (787) 459-2799
vconcepcion@justicia.pr.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties, counsel of record and the Monitor on the service list to be served by electronic means.

s/Luis E. Saucedo
LUIS E. SAUCEDO (G01613)
Counselor to the Chief